

SECOND REGULAR SESSION

# SENATE BILL NO. 772

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR McKENNA.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3127S.011

## AN ACT

To repeal section 260.225, RSMo, and to enact in lieu thereof two new sections relating to construction and demolition waste reduction.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 260.225, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 135.656 and 260.225, to read as  
3 follows:

**135.656. 1. As used in this section, the following terms mean:**

2 **(1) "Construction waste", any reusable waste material capable of**  
3 **being recycled resulting from new construction, rehabilitation of**  
4 **buildings, home construction, road and highway construction, or any**  
5 **other similar building project;**

6 **(2) "Expenses", the costs of storing, separating, bundling, and**  
7 **delivering construction waste to recycling centers;**

8 **(3) "Tax credit", a credit against the tax otherwise due under**  
9 **chapter 143, RSMo, excluding withholding tax imposed by sections**  
10 **143.191 to 143.265, RSMo, or otherwise due under chapter 147, RSMo;**

11 **(4) "Taxpayer", any corporation, partnership, company,**  
12 **contractor, or subcontractor, engaged in construction work on building**  
13 **projects which produce construction waste, that is subject to the tax**  
14 **imposed in chapter 143, RSMo, excluding withholding tax imposed by**  
15 **sections 143.191 to 143.265, RSMo, or the tax imposed in chapter 147,**  
16 **RSMo.**

17 **2. For all taxable years beginning on or after January 1, 2008, a**  
18 **taxpayer shall be allowed a tax credit for expenses incurred in**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 recycling construction waste. The tax credit amount shall be equal to  
20 seventy-five percent of the expenses incurred in recycling construction  
21 waste in the tax year for which the tax credit is claimed. If the amount  
22 of tax credits issued exceed the amount of the taxpayer's state tax  
23 liability for the tax year for which the credit is claimed, the difference  
24 shall not be refundable but may be carried forward to any of the  
25 taxpayer's three subsequent taxable years. No tax credit granted under  
26 this section shall be transferred, sold, or assigned.

27 3. The department of natural resources shall establish a  
28 procedure by which tax credits allowed under this section shall be  
29 claimed. The method established shall include a requirement that all  
30 locations recycling construction waste provide a taxpayer who incurs  
31 expenses with a receipt for the delivery of the construction waste to the  
32 recycling location. Such receipt shall be submitted with the application  
33 for the tax credit. Upon approval of the application for tax credits, the  
34 department of natural resources shall issue the taxpayer a certificate  
35 of tax credit, and shall certify the tax credit amount to the department  
36 of revenue. The department of natural resources shall establish a  
37 procedure to maintain a list of all taxpayers eligible for the tax credit.

38 4. The cumulative amount of tax credits allowed under this  
39 section shall not exceed one million dollars per year.

40 5. The department of natural resources, in conjunction with the  
41 department of revenue, shall promulgate rules to implement the  
42 provisions of this section. Any rule or portion of a rule, as that term is  
43 defined in section 536.010, RSMo, that is created under the authority  
44 delegated in this section shall become effective only if it complies with  
45 and is subject to all of the provisions of chapter 536, RSMo, and, if  
46 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,  
47 are nonseverable and if any of the powers vested with the general  
48 assembly pursuant to chapter 536, RSMo, to review, to delay the  
49 effective date, or to disapprove and annul a rule are subsequently held  
50 unconstitutional, then the grant of rulemaking authority and any rule  
51 proposed or adopted after August 28, 2008, shall be invalid and void.

52 6. Under section 23.253, RSMo, of the Missouri Sunset Act:

53 (1) The provisions of the new program authorized under this  
54 section shall automatically sunset on December thirty-first six years  
55 after the effective date of this section unless reauthorized by an act of

56 **the general assembly; and**

57 **(2) If such program is reauthorized, the program authorized**  
58 **under this section shall automatically sunset on December thirty-first**  
59 **twelve years after the effective date of the reauthorization of this**  
60 **section; and**

61 **(3) This section shall terminate on September first of the**  
62 **calendar year immediately following the calendar year in which the**  
63 **program authorized under this section is sunset.**

260.225. 1. The department shall administer sections 260.200 to 260.345  
2 to maximize the amount of recovered materials and to minimize disposal of solid  
3 waste in sanitary landfills. The department shall, through its rules and  
4 regulations, policies and programs, encourage to the maximum extent practical,  
5 the use of alternatives to disposal. To accomplish these objectives, the  
6 department shall:

7 (1) Administer the state solid waste management program pursuant to the  
8 provisions of sections 260.200 to 260.345;

9 (2) Cooperate with appropriate federal, state, and local units of  
10 government of this or any other state, and with appropriate private organizations  
11 in carrying out its authority under sections 260.200 to 260.345;

12 (3) Promulgate and adopt, after public hearing, such rules and regulations  
13 relating to solid waste management systems as shall be necessary to carry out the  
14 purposes and provisions of sections 260.200 to 260.345;

15 (4) Develop a statewide solid waste management plan in cooperation with  
16 local governments, regional planning commissions, districts, and appropriate  
17 state agencies;

18 (5) Provide technical assistance to cities, counties, districts, and  
19 authorities;

20 (6) Develop and conduct a mandatory solid waste technician training  
21 course of study;

22 (7) Conduct and contract for research and investigations in the overall  
23 area of solid waste storage, collection, recycling, recovery, processing,  
24 transportation and disposal, including, but not limited to, new and novel  
25 procedures;

26 (8) Subject to appropriation by the general assembly, establish criteria for  
27 awarding state-funded solid waste management planning grants to cities,  
28 counties, and districts, allocate funds, and monitor the proper expenditure of

29 funds;

30           (9) **Subject to appropriation by the general assembly, establish**  
31 **criteria for awarding state-funded construction and demolition waste**  
32 **reduction grants, as well as allocate and monitor the expenditure of**  
33 **funds for such grants;**

34           (10) Issue such permits and orders and conduct such inspections as may  
35 be necessary to implement the provisions of sections 260.200 to 260.345 and the  
36 rules and regulations adopted pursuant to sections 260.200 to 260.345;

37           [(10)] (11) Initiate, conduct and support research, demonstration  
38 projects, and investigations with applicable federal programs pertaining to solid  
39 waste management systems;

40           [(11)] (12) Contract with cities, counties, districts and other persons to  
41 act as its agent in carrying out the provisions of sections 260.200 to 260.345  
42 under procedures and conditions as the department shall prescribe.

43           2. The department shall prepare model solid waste management plans  
44 suitable for rural and urban areas which may be used by districts, counties and  
45 cities. In preparing the model plans, the department shall consider the findings  
46 and recommendations of the study of resource recovery conducted pursuant to  
47 section 260.038, and other relevant information. The plans shall conform with  
48 the requirements of section 260.220 and section 260.325 and shall:

49           (1) Emphasize waste reduction and recycling;

50           (2) Provide for economical waste management through regional  
51 cooperation;

52           (3) Be designed to achieve a reduction of forty percent in solid waste  
53 disposed, by weight, by January 1, 1998;

54           (4) Establish a means to measure the amount of reduction in solid waste  
55 disposal;

56           (5) Provide for the elimination of small quantities of hazardous waste,  
57 including household hazardous waste, from the solid waste stream; and

58           (6) Be designed to guide planning in districts, cities and counties  
59 including cities and counties not within a district.

60           3. The model plan shall be distributed to the executive board of each solid  
61 waste district and to counties and cities not within a district by December 1,  
62 1991.

63           4. No rule or portion of a rule promulgated under the authority of sections  
64 260.200 to 260.345 shall become effective unless it has been promulgated

65 pursuant to the provisions of section 536.024, RSMo.

66           5. In coordination with other appropriate state agencies, including, but  
67 not limited to, the division of commerce and industrial development, the office of  
68 administration, the environmental improvement and energy resource authority,  
69 and the public service commission, the department shall perform the following  
70 duties in order to promote resource recovery in the state in ways which are  
71 economically feasible:

72           (1) Identify markets for recovered materials and for energy which could  
73 be produced from solid waste and household hazardous waste;

74           (2) Provide technical assistance pertaining to all aspects of resource  
75 recovery to cities, counties, districts, industries and other persons;

76           (3) Identify opportunities for resource recovery programs in state  
77 government and initiate actions to implement such programs;

78           (4) Expand state contracts for procurement of items made from recovered  
79 materials;

80           (5) Initiate recycling programs within state government;

81           (6) Provide a clearinghouse of consumer information regarding the need  
82 to support resource recovery, utilize and develop new resource recovery programs  
83 around existing enterprises, request and purchase recycled products, participate  
84 in resource conservation activities and other relevant issues;

85           (7) Identify barriers to resource recovery and resource conservation, and  
86 propose remedies to these barriers; and

87           (8) Initiate activities with appropriate state and local entities to develop  
88 markets for recovered materials.

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